

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

400Q0185

## SENATE ENGROSSED NO. **HB 1032** - 1/28/2009

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise the definition of an accredited prevention or  
2 treatment facility for the purposes of the prevention and treatment of alcohol and drug abuse.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That subdivision (1) of § 34-20A-2 be amended to read as follows:

5 (1) "Accredited prevention or treatment facility," a private or public agency meeting the  
6 standards prescribed in § 34-20A-27 and listed under § 34-20A-47, or a private or  
7 public agency or facility surveyed and accredited by the ~~joint commission on~~  
8 ~~accreditation of health care organizations~~ Joint Commission; an Indian Health  
9 Service's quality assurance review under the Indian Health Service Manual,  
10 Professional Standards-Alcohol/Substance Abuse; or the Commission on  
11 Accreditation of Rehabilitation Facilities under the ~~Drug and Alcohol Treatment~~  
12 ~~Standards Incorporated~~ drug and alcohol treatment standards incorporated and  
13 adopted by the division in rules promulgated pursuant to chapter 1-26, if proof of  
14 such accreditation, with accompanying recommendations, progress reports and  
15 related correspondence are submitted to the Division of Drug and Alcohol Abuse in



1 a timely manner;

2 Section 2. That § 34-20A-44 be amended to read as follows:

3 34-20A-44. The Division of Drug and Alcohol Abuse shall inspect accredited prevention  
4 or treatment facilities to insure compliance with this chapter. For purposes of inspection, the  
5 division shall have access to the facility and its records at reasonable times and in a reasonable  
6 manner. This section does not apply to facilities accredited pursuant to accreditation by the Joint  
7 ~~Commission on Accreditation of Health Care Organizations or~~ the Commission on  
8 Accreditation of Rehabilitation Facilities, or an Indian Health Service's quality assurance review  
9 under the Indian Health Service Manual, Professional Standards-Alcohol/Substance Abuse.

10 Section 3. That § 34-20A-44.1 be amended to read as follows:

11 34-20A-44.1. If a public or private agency or facility is considered to be an accredited  
12 prevention or treatment facility by reason of compliance with accreditation by the Joint  
13 ~~Commission on Accreditation of Health Care Organizations or~~ the Commission on  
14 Accreditation of Rehabilitation Facilities, or an Indian Health Service's quality assurance review  
15 under the Indian Health Service Manual, Professional Standards-Alcohol/Substance Abuse, as  
16 described in § 34-20A-2, the Division of Alcohol and Drug Abuse retains the right of access to  
17 all facility premises and relevant records to monitor compliance or investigate complaints  
18 brought against the facility.